

Attorney Docket: 99-393/1496.00401/ *AF 3624*
RESPONSE TRANSMITTAL AND
EXTENSION OF TIME REQUEST
(IF REQUIRED)

IN RE APPLICATION OF: Sandeep Jaggi
SERIAL NO.: 09/758,972
TITLE: METHOD AND APPARATUS FOR MANAGING MULTIPLE PROJECTS
FILED: January 10, 2001
EXAMINER: Van Doren, B.
ART UNIT: 3623

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Total Claims	20 minus	20 =	0 x \$ 50.00	\$ 0.00
Independent Claims	5 minus	5 =	0 x \$200.00	\$ 0.00
Multiple Dependent Claim First Added			+ \$360.00	\$ 0.00

TOTAL IF NOT SMALL ENTITY .. \$0.00

- [] SMALL ENTITY STATUS - If applicable, divide by 2 \$0.00
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24840 Harper Avenue, Suite 100
St. Clair Shores, Michigan 48080
(586) 498-0670

CHRISTOPHER P. MAIORANA, P.C.
By:
Christopher P. Maiorana
Registration No.: 42,829

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By:
Jan M. Dunbar



Our Docket No.: 99-393 / 1496.00401

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Applicant: Sandeep Jaggi

Application No.: 09/758,972

Examiner: Van Doren, B.

Filed: January 10, 2001

Art Group: 3623

For: METHOD AND APPARATUS FOR MANAGING MULTIPLE PROJECTS

CERTIFICATE OF MAILING

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By:


Jan M. Dunbar

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APPEAL BRIEF

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Dear Sir:

Appellant submits the following Appeal Brief pursuant to 37 C.F.R. §41.37 for consideration by the Board of Patent Appeals and Interferences. Please charge \$500.00 to cover the cost of filing the opening brief as required by 37 C.F.R. §41.20(b)(2) and any additional fees or credit any overpayment to Deposit Account Number 12-2252.

Docket Number: 99-393 / 1496.00401

Application No.: 09/758,972

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I. REAL PARTY IN INTEREST

The real party in interest is the Assignee, LSI Logic Corporation.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences known to the Appellant, Appellant's legal representative, or Assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-20 are pending and remain rejected. The Appellant hereby appeals the rejection of claims 1-20.

IV. STATUS OF AMENDMENTS

Appellant is appealing a Final Office Action issued by the Examiner on March 8, 2005. On May 9, 2005, Appellant filed an Amendment After Final. The Examiner issued an Advisory on May 25, 2005 indicating that claim changes in the Amendment After Final were not entered. On June 8, 2005, Appellant filed a Notice of Appeal based on the last set of claims prior to the Amendment After Final.

V. SUMMARY OF CLAIMED SUBJECT MATTER

A first embodiment of the present invention (as represented by claim 1) generally concerns a system (FIG. 1) for managing projects. The system generally comprises a means for inputting data concerning a project, a means for associating a plurality of individuals listed in a first database with the project, a means for determining a deadline for completing a task associated with the project, a means for generating in a second database a first date prior to the deadline, a means for generating and electronically transmitting on the first date a first reminder to complete the task to a first individual of the individuals, a means for generating in the second database a second date that is before the deadline but after the first date, a means for generating and electronically transmitting to the first individual on the second date a second reminder to complete the task, a means for generating in the second database a third date that is before the deadline but after the second date, wherein the number of days between the first date and the second date is greater than the number of days between the second date and the third date and a means for generating and electronically transmitting to the first individual on the third date a third reminder to complete the task. The means for inputting data is generally illustrated as an input device 164 and a display screen 162 in FIG. 2 and described in the text on page 9, lines 19-27. The means for associating is generally illustrated in FIG. 4, implemented by the microprocessor 152 and display screen 162 and is discussed in the text on page 20, lines 1-16. The means for determining a deadline is generally illustrated in FIG. 2, implemented by the microprocessor 152, and discussed in the text on page 34. The means for generating a first date is generally illustrated in FIG. 2, implemented by the microprocessor 152, and discussed in the text on page 25 (e.g., 60 days before a due date). The means for generating and electronically transmitting

on the first date may be seen in FIGS. 1 and 2 where the generation of an email message (memo) is performed by the microprocessor 152 and the transmission is conducted via the Internet backbone 50. The means for generating a second date is generally illustrated in FIG. 2 and discussed on page 25 where the microprocessor 152 may determine a second date (e.g., 30 days before the due date). The means for generating and electronically transmitting on the second date may be seen in FIGS. 1 and 2 and discussed on page 25 where the microprocessor 152 may send an email via the Internet backbone 50 (e.g., 30 days before the due date). The means for generating the third date is illustrated in FIG. 2 and discussed on page 25 where the microprocessor 152 may determined the third date (e.g., 7 days before the due date). The means for generating an electronically transmitting on the third date is generally illustrated in FIGS. 1 and 2 and discussed on page 25 where the microprocessor 152 may sent another memo via the Internet backbone 50.

A second embodiment of the present invention (as represented by claim 8) generally concerns a system (FIG. 1) for managing projects. The system generally comprises a means for inputting data concerning a project, a means for associating a plurality of individuals with the project, a means for determining a date, a means for generating and electronically transmitting to a first individual of the individuals, prior to the date, a first reminder to complete a task associated with the project and a means for generating and electronically transmitting to the first individual and a second individual of the individuals, to whom the first reminder was not transmitted, a second reminder to complete the task. The means for inputting data is generally illustrated as an input device 164 and a display screen 162 in FIG. 2 and described in the text on page 9, lines 19-27. The means for associating is generally illustrated in FIG. 4, implemented by the microprocessor 152 and display screen 162 and

is discussed in the text on page 20, lines 1-16. The means for determining a date is generally illustrated in FIG. 2, implemented by the microprocessor 152, and discussed in the text on page 25 where the date may be a due date. The means for generating and electronically transmitting to a first individual before the date may be seen in FIGS. 1 and 2 where the generation of an email message (memo) is performed by the microprocessor 152 and the transmission is conducted via the Internet backbone 50 (e.g., 60 days prior to the due date). The means for generating and electronically transmitting to the first individual and a second individual is generally illustrated in FIGS. 1 and 2 and discussed in the text on pages 25 where an email message is sent by the microprocessor 152 to the first individual (e.g., outside patent attorney) and the second individual (e.g., primary contact at the law firm) via the Internet backbone 50 (e.g., 7 days prior to the due date).

A third embodiment of the present invention (as represented by claim 12) generally concerns a system (FIG. 1) for managing projects. The system generally comprises a means for inputting data concerning a project, a means for associating a plurality of individuals listed in a first database with the project, a means for inputting a completion of a first task associated with the project in a second database and a means for generating and electronically transmitting, responsive to the completion of the first task, an instruction to complete a second task to a first individual of the individuals. The means for inputting data is generally illustrated as an input device 164 and a display screen 162 in FIG. 2 and described in the text on page 9, lines 19-27. The means for associating is generally illustrated in FIG. 4, implemented by the microprocessor 152 and display screen 162 and is discussed in the text on page 20, lines 1-16. The means for inputting the completion of the first task is generally illustrated in FIGS. 2 and 5 (e.g., Events List Page 501), implemented by the

microprocessor 152, the display screen 162 and the input device 164 as discussed in the text on page 21 where a user may enter events concerning preparation of a patent application (e.g., a due date for receipt of a draft application). The means for generating and electronically transmitting the first reminder is generally illustrated in FIGS. 1 and 2 and discussed on page 24, lines 5-16 where the microprocessor 152 may communicate to an outside council via the Internet backbone 50 (e.g., send an authorization to prepare the patent application). The means for generating and electronically transmitting responsive to completion of the first task is generally illustrated in FIGS. 1 and 2 and discussed on page 23, lines 18-23 where a due date for filing a status request may be generated by the microprocessor 152 and transmitted via the Internet backbone 50 (e.g., send a time after the patent application is actually filed).

A fourth embodiment of the present invention (as represented by claim 13) generally concerns a system (FIG. 1) for managing projects. The system generally comprises a means for inputting data concerning a project, a means for associating a plurality of individuals with the project, a means for generating and electronically transmitting a plurality of first reminders to complete a task associated with the project to a first individual of the individuals and a means for generating and electronically transmitting a second reminder to a second individual of the individuals that the task requires completion, wherein the second reminder to the second individual is generated and transmitted after a predetermined number of the first reminders have been transmitted to the first individual concerning the task. The means for inputting data is generally illustrated as an input device 164 and a display screen 162 in FIG. 2 and described in the text on page 9, lines 19-27. The means for associating is generally illustrated in FIG. 4, implemented by the microprocessor 152 and

display screen 162 and is discussed in the text on page 20, lines 1-16. The means for generating and electronically transmitting to a first individual may be seen in FIGS. 1 and 2 where the generation of an email message (memo) is performed by the microprocessor 152 and the transmission is conducted via the Internet backbone 50. The means for generating and electronically transmitting the second reminder is generally illustrated in FIGS. 1 and 2 and discussed in the text on page 25, lines 7-23 where the second message may be sent to the second individual (e.g., primary contact) every 5 days after sending the first individual (e.g., outside patent attorney) two reminders (e.g., 60 days before and 30 days before the due date).

A fifth embodiment of the present invention (as represented by claim 15) generally concerns a system (FIG. 1) for managing projects. The system generally comprises a means for inputting data concerning a project, a means for associating a plurality of individuals with the project, a means for determining a date, a means for automatically generating and electronically transmitting by a first mode to a first individual of the individuals, prior to the date, a first reminder to complete a task associated with the project and a means for automatically generating and electronically transmitting by a second mode to the first individual a second reminder to complete the task associated with the project on the date. The means for inputting data is generally illustrated as an input device 164 and a display screen 162 in FIG. 2 and described in the text on page 9, lines 19-27. The means for associating is generally illustrated in FIG. 4, implemented by the microprocessor 152 and display screen 162 and is discussed in the text on page 20, lines 1-16. The means for determining a date is generally illustrated in FIG. 2, implemented by the microprocessor 152, and discussed in the text on page 25 where the date may be a due date. The means for generating and electronically transmitting

to a first individual before the date may be seen in FIGS. 1 and 2 where the generation of an email message (memo) is performed by the microprocessor 152 and the transmission is conducted via the Internet backbone 50 (e.g., 60 days prior to the due date). The means for generating and electronically transmitting to the first individual and a second individual is generally illustrated in FIGS. 1 and 2 and discussed in the text on pages 25 where an email message is sent by the microprocessor 152 to the first individual (e.g., outside patent attorney) and the second individual (e.g., primary contact at the law firm) via the Internet backbone 50 (e.g., on the due date).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The first issue is whether claims 8 and 12-20 are patentable under 35 U.S.C. §102(e) over Grow, U.S. Patent No. 6,694,315.

The second issue is whether claims 1-7 and 9-11 are patentable under 35 U.S.C. §103(a) over Grow.

VII. ARGUMENTS

A. Rejections under 35 U.S.C. § 102

The Federal Circuit has stated that “[t]o anticipate, *every element and limitation* of the claimed invention must be found in a single prior art reference, *arranged as in the claim*.”¹ (Emphasis added). The Federal circuit has added that the anticipation determination is viewed from

¹ *Brown v. 3M*, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001) citing *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F.3d 1376, 1383, 58 USPQ2d 1286, 1291 (Fed. Cir. 2001); *Scripps Clinic & Research Found. v. Genentech Inc.*, 927 F.2d 1565, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991) (Emphasis added by Appellant).

one of ordinary skill in the art: “There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention.”² Furthermore, “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”³

1. Claims 8 and 18 are fully patentable over Grow

Claim 8 provides a means for generating and electronically transmitting to a first individual and a second individual, to whom a first reminder was not transmitted, a second reminder to compete a task. Claim 8 further provides that the second individual is one of a plurality of individuals associated with a project. Despite the assertion by the Examiner⁴, the text in column 18, lines 20-35 and column 18, lines 60-67 of Grow appear to be silent regarding a second individual associated with a project receiving a second reminder but not a first reminder. The cited text reads:

Optionally, a **warning** (e.g., a prompt, email message, etc.) can also be transmitted from the host computer 150 to the administrator **notifying the administrator of the failed reminder attempt**. It is to be expressly understood that any suitable affirmative acknowledgment method can be implemented under the teachings of the present invention. In this manner, the method of the present invention reduces the potential for missed deadlines which can result in a dismissed case with or without prejudice, party admissions, default judgment, sanctions, malpractice, etc. (Col. 18 lines 20-35) (Emphasis added)

It is to be expressly understood that the notification date can be preset with an advance warning (e.g., five days before the critical date), or the system can be set where the

² *Scripps Clinic & Research Found. v. Genentech Inc.*, 927 F.2d 1565, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991).

³ *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, USPQ2d 1051, 1053 (Fed. Cir. 1987).

⁴ Final Office Action, March 8, 2005, page 3, lines 4-7.

notification date is the same as the critical date and the host computer 150 automatically compares the notification date to an advance date (e.g., five days before the critical date) in step 520. Alternately, the notification date and the critical date can be the same date and no advance warning is given. Likewise, where a reminder is sent in advance of the critical date, a second reminder can be sent on the critical date. For example, the document can be sent in advance of the critical date and simply a reminder to file sent on the critical date.(Col. 18 lines 56-67)

In contrast, Grow appears to contemplate that a warning (asserted similar to the claimed second reminder) is sent only to an administrator indicating that reminders to a user have not been acknowledged. Grow appears to be silent that (A) the warning is also sent to the user, (B) that the warning is a reminder to complete a task and (C) that the administrator is one of a plurality of individuals associated with the project. Therefore, Grow does not appear to disclose or suggest (i) a means for generating and electronically transmitting to a first individual and a second individual, to whom a first reminder was not transmitted, a second reminder to complete a task and (ii) that the second individual is one of a plurality of individuals associated with a project as presently claimed.

Regarding (C) above, Grow appears to contemplate that the administrator is a vendor selling a service to the user. In particular, Grow defines the user as:

As used herein, a **user** is defined as the operator of the user workstation 110. Typically, the user is **an attorney or member of the law firm staff**, however, the website 140 may be made available to members of the public at large (e.g., for pro se proceedings). (Col. 3 lines 25-29) (Emphasis added)

In contrast, the administrator is defined by Grow as:

The **administrator** is defined as the operator of the host computer 150. The administrator **updates and maintains the website** 140 and tables, and in other embodiments can send email to the user workstation 110 or **provide technical support to the user**. (Col. 3 lines 38-42) (Emphasis added)

To one of ordinary skill in the art, the administrator would appear to be a website operator/technical support rather than an attorney or member of a law firm.

In one embodiment, where the user has a payment agreement with the administrator, the host computer 150 records access by the user workstation 110 to the website 140 in the user information field 220 or other Field i in the user table 200. The administrator can use this information to determine the required payment and send the user a bill (e.g., a monthly bill). (Col. 14 lines 1-7)

The payment agreement between the user and administrator conflicts with the idea that both are associated with the same project in the law firm.

TABLE IV

TO: jbulldog@lawfirm.com
FROM: administrator@website.com
(Col. 17, Table IV) (Emphasis added)

Furthermore, the administrator appears to be working for a different company than the user. Therefore, one of ordinary skill in the art would not appear to understand the administrator and user of Grow to be two individuals associated with the same project as presently claimed. As such, *prima facie* anticipation has not been established for lack of evidence that Grow discloses all of the elements as arranged in the claim.

Furthermore, the Examiner asserts that, "The administrator of Grow is a user who ensures that a deadline is met for the task and is a separate user from the first user."⁵ However, no text or figures of Grow are cited as evidence of the assertions that the administrator is (a) a user or (b) ensures that a deadline is met. Thus, the assertions appears to be merely a conclusory statement. As such, *prima facie* anticipation has not been established for lack of evidence that Grow discloses all of the elements as arranged in the claim.

⁵ Final Office Action, March 8, 2005, page 14, lines 9-10.

Furthermore, the Examiner asserts that the administrator is “a user of the host computer”.⁶ However, the “user” of host computer 150 in Grow appears to be a website operator/technical support as discussed above. Therefore, the administrator of Grow does not appear to be a user associated with a task as presently claimed.

In summary, the Examiner has not established a *prima facie* case that Grow expressly or inherently discloses all of the claim limitations as arranged in the claims. Furthermore, the Examiner’s rejection arguments appear to be based on conclusory statements not supported by any evidence from the reference. As such, claim 8 is fully patentable over the cited reference and the rejection should be reversed.

2. Claim 12 is fully patentable over Grow

Claim 12 provides a means for generating and electronically transmitting, responsive to the completion of a first task, an instruction to complete a second task to a first individual of a plurality of individuals associated with a project. In contrast, Grow appears to be silent regarding the transmission of a reminder to complete a **second task** linked to the completion of a first task. Therefore, Grow does not appear to disclose or suggest a means for generating and electronically transmitting, responsive to the completion of a first task, an instruction to complete a second task to a first individual of a plurality of individuals associated with a project as presently claimed.

⁶ Final Office Action, March 8, 2005, page 14, line 12.

Furthermore, all of the cites to Grow provided by the Examiner⁷ appear to discuss sending a reminder at an advanced date and/or a critical date. None of the text of Grow cited by the Examiner appears to discuss sending a reminder for a second task **in response to completing a first task**. Therefore, *prima facie* anticipation has not been established for lack of evidence that Grow discloses all of the elements as arranged in the claim.

Claim 12 further provides a means for inputting a completion of a first task associated with the project in a second database. Despite the assertion by the Examiner⁸, Grow appears to be silent regarding a database storing completions of tasks. Furthermore, the assertion by the Examiner that Grow discloses “the completion of the first task (document in the legal proceedings) is input and the dates updated”⁹ does not appear to show a second database storing **a completion** of the task for generating the document. The Examiner appears to be confusing storage of an end product of a task (the document) with the claimed storage that the task has been completed (regardless of whether or not any document was stored). As such, *prima facie* anticipation has not been established for lack of evidence that Grow discloses all of the elements as arranged in the claim.

In summary, the Examiner has not established a *prima facie* case that Grow expressly or inherently discloses all of the claim limitations as arranged in the claims. Furthermore, the Examiner’s arguments appear to be based on conclusory statements not supported by any evidence

⁷ Final Office Action, March 8, 2005, page 3, paragraph 5, subsection d.

⁸ Final Office Action, March 8, 2005, page 3, paragraph 5, subsection c.

⁹ Final Office Action, March 8, 2005, page 3, paragraph 5, subsection c.

from the reference. As such, claim 12 is fully patentable over the cited reference and the rejection should be reversed.

3. Claims 13 and 19 are fully patentable over Grow

Claim 13 provides a means for generating and electronically transmitting a second reminder to a second individual that a task requires completion. Claim 13 further provides that the second individual is one of a plurality of individuals associates with a project. Despite the assertion by the Examiner¹⁰, the text in column 18, lines 20-35 and column 18, lines 60-67 of Grow do not appear to establish the administrator of Grow is similar to a user associated with a project. The cited text of Grow reads:

Optionally, a **warning** (e.g., a prompt, email message, etc.) can also be transmitted from the host computer 150 to the administrator **notifying the administrator of the failed reminder attempt**. It is to be expressly understood that any suitable affirmative acknowledgment method can be implemented under the teachings of the present invention. In this manner, the method of the present invention reduces the potential for missed deadlines which can result in a dismissed case with or without prejudice, party admissions, default judgment, sanctions, malpractice, etc. (Col. 18 lines 20-35) (Emphasis added)

It is to be expressly understood that the notification date can be preset with an advance warning (e.g., five days before the critical date), or the system can be set where the notification date is the same as the critical date and the host computer 150 automatically compares the notification date to an advance date (e.g., five days before the critical date) in step 520. Alternately, the notification date and the critical date can be the same date and no advance warning is given. Likewise, where a reminder is sent in advance of the critical date, a second reminder can be sent on the critical date. For example, the document can be sent in advance of the critical date and simply a reminder to file sent on the critical date. (Col. 18 lines 56-67)

¹⁰ Final Office Action, March 8, 2005, page 4, paragraph 6, subsection d.

In contrast, Grow appears to contemplate that a warning (asserted similar to the claimed second reminder) is sent only to an administrator indicating that reminders to a user have not been acknowledged. Grow appears to be silent that (A) the warning is a reminder to complete a task and (B) that the administrator is one of a plurality of individuals associated with the project. Therefore, Grow does not appear to disclose or suggest a means for generating and electronically transmitting a second reminder to a second individual that a task requires completion as presently claimed.

Regarding (B) above, Grow appears to contemplate that the administrator is a vendor selling a service to the user. In particular, Grow defines the user as:

As used herein, a **user** is defined as the operator of the user workstation 110. Typically, the user is **an attorney or member of the law firm staff**, however, the website 140 may be made available to members of the public at large (e.g., for pro se proceedings). (Col. 3 lines 25-29) (Emphasis added)

In contrast, the administrator is defined by Grow as:

The **administrator** is defined as the operator of the host computer 150. The administrator **updates and maintains the website 140** and tables, and in other embodiments can send email to the user workstation 110 or **provide technical support to the user**. (Col. 3 lines 38-42) (Emphasis added)

To one of ordinary skill in the art, the administrator would appear to be a website operator/technical support rather than an attorney or member of a law firm.

In one embodiment, where the user has a payment agreement with the administrator, the host computer 150 records access by the user workstation 110 to the website 140 in the user information field 220 or other Field i in the user table 200. The administrator can use this information to determine the required payment and send the user a bill (e.g., a monthly bill). (Col. 14 lines 1-7)

The payment agreement between the user and administrator conflicts with the idea that both are associated with the same project in the law firm.

TABLE IV

TO: jbulldog@lawfirm.com
FROM: administrator@website.com
(Col. 17, Table IV) (Emphasis added)

Furthermore, the administrator appears to be working for a different company than the user. Therefore, one of ordinary skill in the art would not appear to understand the administrator and user of Grow to be two individuals associated with the same project as presently claimed. As such, *prima facie* anticipation has not been established for lack of evidence that Grow discloses all of the elements as arranged in the claim.

Claim 13 further provides that the second reminder to the second individual is generated and transmitted after a predetermined number of first reminders have been transmitted to a first individual concerning a task. In contrast, Grow appears to be silent regarding the warning (asserted similar to the claimed second reminder) being transmitted after a **predetermined number** of reminders have been transmitted as presently claimed. A common definition for “predetermined” is provided by the Merriam-Webster OnLine dictionary as “to determine beforehand”. While the assertion by the Examiner¹¹ that a predetermined number can be any number may be true, the Examiner fails to establish that a predetermined number of failed reminders trigger the warning in Grow. Therefore, *prima facie* anticipation has not been established for lack of evidence that the references discloses all of the elements as arranged in the claim.

In summary, the Examiner has not established a *prima facie* case that Grow expressly or inherently discloses all of the claim limitations as arranged in the claims. Furthermore, the Examiner’s arguments appear to be based on conclusory statements not supported by any evidence

¹¹ Final Office Action, March 8, 2005, page 14, lines 14-19.

from the reference. As such, claim 13 is fully patentable over the cited reference and the rejection should be reversed.

4. Claims 15 and 20 are fully patentable over Grow

Claim 15 provides (i) a means for automatically generating and electronically transmitting by a **first mode** to a first individual of a plurality of individuals, **prior to a date**, a first reminder to complete a task associated with a project and (ii) a means for automatically generating and electronically transmitting by a **second mode** to the first individual a second reminder to complete a task associated with the project **on the date**. Despite the assertion by the Examiner¹², Grow appears to be silent regarding transmitting a first reminder before a date using one mode and transmitting a second reminder on the date using a different mode. In particular, the cited text and figure of Grow merely presents a list of possible modes of transmitting a reminder, but fails to mention the claimed sequence of modes. Since claim 15 is rejected under 35 U.S.C. §102(e), the Examiner has the burden to show that Grow discloses all of the claimed elements **as arranged in the claim**. The Examiner has not meet that burden. Therefore, *prima facie* anticipation has not been established for lack of evidence that the reference disclose all elements as arranged in the claim. As such, claim 15 is fully patentable over the cited reference and the rejection should be reversed.

¹² Final Office Action, March 8, 2005, page 5, paragraph 8, subsection d.

5. Claim 14 is fully patentable over Grow

Claim 14 depends from claim 13 and thus contains all of the limitations of claim 13. Consequently, the arguments presented above in support of the patentability of claim 13 are incorporated hereunder in support of claim 14.

Claim 14 further provides that the second individual is a supervisor of the first individual. Despite the assertion by the Examiner¹³, the text in column 18, lines 10-25 and column 18, lines 60-67 of Grow do not appear to mention that the administrator is a supervisor of a user of a website. The cited text reads:

Also in a preferred embodiment, the host computer 150 continuously (e.g., at a predetermined interval such as every 6 hours) transmits additional reminders until an affirmative acknowledgment is received. For instance, the first reminder can be an email and when an affirmative acknowledgment is not received by the host computer 150 from the user workstation 110, a recorded message can be sent (e.g., by telephone), followed by a facsimile transmission. In this manner, the method uses alternative reminders in the event that the email system, facsimile system, etc. do not work (e.g., the user's ISP is down for repairs).

Optionally, a warning (e.g., a prompt, email message, etc.) can also be transmitted from the host computer 150 to the administrator notifying the administrator of the failed reminder attempt. It is to be expressly understood that any suitable affirmative acknowledgment method can be implemented under the teachings of the present invention. In this manner, the method of the present invention reduces the potential for missed deadlines which can result in a dismissed case with or without prejudice, party admissions, default judgment, sanctions, malpractice, etc.

The host computer 150 proceeds in step 550 by updating the notification date stored in the case table 230. That is, the host computer 150 clears the notification date currently stored in the notification field of the case table 230 (e.g., today's date) and accesses the docket from the docket field 245 of the case table 230 to determine the next critical date, and hence next notification date. (col. 18 lines 10-37)

It is to be expressly understood that the notification date can be preset with an advance warning (e.g., five days before the critical date), or the system can be set where the notification date is the same as the critical date and the host computer 150 automatically

¹³ Final Office Action, March 8, 2005, page 4, paragraph 7.

compares the notification date to an advance date (e.g., five days before the critical date) in step 520. Alternately, the notification date and the critical date can be the same date and no advance warning is given. Likewise, where a reminder is sent in advance of the critical date, a second reminder can be sent on the critical date. For example, the document can be sent in advance of the critical date and simply a reminder to file sent on the critical date.(Col. 18 lines 56-67)

Nowhere in the above text, or in any other section, does Grow appear to define the administrator as a supervisor of a user. Therefore, Grow does not appear to disclose or suggest that the second individual is a supervisor of the first individual as presently claimed. As such, claim 14 is fully patentable over the cited reference and the rejection should be reversed.

6. Claim 16 is fully patentable over Grow

Claim 16 depends from claim 15 and thus contains all of the limitations of claim 15. Consequently, the arguments presented above in support of the patentability of claim 15 are incorporated hereunder in support of claim 16.

Claim 16 further provides that the first mode is e-mail and the second mode is voice mail. While Grow may mention that reminders can be send by e-mail or telephone, Grow appears to be silent regarding the claimed sequence of e-mail first and then voice second. Furthermore, the Examiner fails to provide any evidence where the Grow allegedly mentions the claimed sequence. Therefore, Grow does not appear to disclose or suggest that the first mode is e-mail and the second mode is voice mail as presently claimed. Since claim 16 is rejected under 35 U.S.C. §102(e), the Examiner has the burden to show that Grow discloses all of the claim limitations **as arranged in the claims**. The Examiner has not meet that burden. Therefore, *prima facie* anticipation has not been

established for lack of evidence that the reference discloses the elements as arranged in the claim. As such, claim 16 is fully patentable over the cited reference and the rejection should be reversed.

7. Claim 17 is fully patentable over Grow

Claim 17 depends from claim 12 and thus contains all of the limitations of claim 12. Consequently, the arguments presented above in support of the patentability of claim 12 are incorporated hereunder in support of claim 17.

Claim 17 further provides (i)(from claim 12) a plurality of individuals listed in a first database, (ii)(from claim 12) a completion of a first task in a second database and (iii)(from claim 17) data concerning the project is stored in a third database. In contrast, Grow appears to mention only three types of databases: a user database, a case database and a forms database. Assuming, *arguendo*, that the user database of Grow is similar to the claimed first database (for which Appellant's representative does not necessarily agree), the following conflicts appear. If the case database of Grow is similar to the claimed second database, the form database of Grow does not appear to hold data concerning a project (the form database appears to simply hold form documents). If the case database of Grow is similar to the claimed third database, the form database of Grow does not appear to hold completions of tasks. Therefore, Grow does not appear to disclose or suggest (i) a plurality of individuals listed in a first database, (ii) a completion of a first task in a second database and (iii) data concerning the project is stored in a third database as presently claimed. As such, claim 17 is fully patentable over the cited reference and the rejection should be reversed.

B.**Rejections under 35 U.S.C. § 103**

The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness.¹⁴ If the Examiner does not produce a *prima facie* case, the Applicant is under no obligation to submit evidence of non-obviousness.¹⁵ “[T]o establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the applicants.”¹⁶ “[T]he factual inquiry whether to combine references must be thorough and searching.”¹⁷ “This factual question ... [cannot] be resolved on subjective belief and unknown authority.”¹⁸ “It must be based on objective evidence of record.”¹⁹ The Examiner must show that (a) there is some suggestion or motivation, either in the references or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, (b) there is a reasonable expectation of success, and (c) the prior art reference (or combination of references) teaches or suggests all of the claim limitations.²⁰ “The motivation, suggestion or teaching may come explicitly from statement in the

¹⁴ M.P.E.P., Eighth Edition, Rev. 2, May 2004, §2142.

¹⁵ *Id.*

¹⁶ *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1316 (Fed. Cir. 2000) (citing *In re Dance*, 160 F.3d 1339, 1343, 48 USPQ2d 1635, 1637 (Fed. Cir. 1998); *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984)).

¹⁷ *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52, 60 USPQ2d 1001, 1008 (Fed. Cir. 2001).

¹⁸ *In re Lee*, 277 F.3d 1338, 1343-44, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002).

¹⁹ *Id.* at 1343, 61 USPQ2d at 1434.

²⁰ M.P.E.P., Eighth Edition, Rev. 2, May 2004, §2142.

prior art, the knowledge of one of ordinary skill in the art, or, in some cases the nature of the problem to be solved.”²¹

The Federal Circuit has held that both the suggestion to modify or combine the references and the reasonable expectation of success must be found in the prior art itself, not merely in Appellant’s disclosure.²² Furthermore, the Court of Appeals for the Federal Circuit has indicated that the requirement for showing the teaching of motivation to combine references is “rigorous” and must be “clear and particular.”²³ Furthermore, the Board has held that the claimed invention is obvious only if either the references expressly or implicitly suggest the claimed invention, or a convincing line of reasoning is presented by the examiner as to why an artisan would have found the claimed invention to be obvious in light of the teachings of the cited references.²⁴

1. Claims 1, 2, 3 and 4 are fully patentable over Grow

Claim 1 provides (i) a means for generating in a second database a second date that is before a deadline but after a first date and (ii) means for generating and electronically transmitting to the first individual on the second date a second reminder to complete the task. In contrast, Grow only

²¹ *In re Huston* 308, F.3d 1267, 1278, 64 USPQ2d 1810, 1810 (Fed. Cir. 2002), citing *In re Katzab* 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000)

²² See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991).

²³ *In re Anita Dembiczak and Benson Zinbarg*, 50 USPQ2d 1614 (Fed. Cir. 1999).

²⁴ See *Ex Parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985) (emphasis added by Appellant).

appears to concern two notification dates for sending reminders: an advance date and a critical date.

Consider some of the text of Grow cited in the Examiner²⁵ as part of the rejection reads:

The host computer 150 proceeds in step 550 by updating the notification date stored in the case table 230. That is, the host computer 150 clears the notification date currently stored in the notification field of the case table 230 (e.g., today's date) and accesses the docket from the docket field 245 of the case table 230 to determine the next **critical date**, and hence next notification date. For example, if a Notice to Set is due thirty days after filing the Answer, the host computer 150 computes the next notification date by adding thirty days to today's date and storing the new notification date in the notification field 255 in the case table 230. (col. 18 lines 31-41) (Emphasis added)

For example, where only a five day **advance notice** is desire'd for the Answer, perhaps a ten day notice is desired for the Notice to Set. In other embodiments, when different documents are due based on different filing dates, the algorithm can be adjusted accordingly. Conventional algorithms can be used to compute notification dates and the above example is not intended to limit the present invention to the method of determining the notification date. (Col. 18 lines 48-55) (Emphasis added)

It is to be expressly understood that **the notification date can be preset with an advance warning** (e.g., five days before the **critical date**), or the system can be set where **the notification date is the same as the critical date** and the host computer 150 automatically compares the notification date to an advance date (e.g., five days before the critical date) in step 520. Alternately, **the notification date and the critical date can be the same date and no advance warning is given**. Likewise, where a reminder is sent in advance of the critical date, **a second reminder can be sent on the critical date**. For example, the document can be sent in advance of the critical date and simply a reminder to file sent on the critical date. (Col. 18 lines 56-67) (Emphasis added)

The docket field 245 contains a docket or deadline chart that lists the events and associated deadlines and is generated for a given case ID 235. The trigger date field 250 contains a trigger date. For example in a personal injury action, if an Answer must be filed with the court 30 days after service of the Complaint, the date the Complaint is served is the trigger date for filing the Answer (i.e., the Answer must be filed 30 days after the trigger date). The notification field 255 contains a notification date. **The notification date can be either a critical date (i.e., the date the Answer must be filed) or several days in advance of the critical date**. For example, if the Complaint was served on June 1 and the jurisdiction requires an Answer to be filed within 30 days of the service date, the trigger date is June 1, the critical date is thus June 30, and **the notification date is June 30 or**

²⁵ Final Office Action, March 8, 2005, page 7, paragraph 14, subsections f and g.

earlier (e.g., June 25) to allow for advance warning. It is to be expressly understood that more than one trigger date can be stored with corresponding notification dates, and the use of the trigger date and notification date will be explained more fully below in reference to the method of the present invention. Other case fields 265 (e.g., Field j) can be used to store additional information about the case, such as opposing counsel's address, rules of procedure, user comments, etc. (Col. 5 line 60 - col. 6 line 17) (Emphasis added)

Grow appears to be silent regarding a second notification date located between the advanced date (asserted similar to the claimed first date) and the critical date (asserted similar to the claimed deadline). Therefore, Grow does not appear to disclose or suggest (i) a means for generating in a second database a second date that is before a deadline but after a first date and (ii) means for generating and electronically transmitting to the first individual on the second date a second reminder to complete the task as presently claimed.

Claim 1 further provides (i) a means for generating in the second database a third date that is before the deadline but after the second date and (ii) a means for generating and electronically transmitting to the first individual on the third date, a third reminder to complete the task. As noted above, Grow does not appear to mention any notification dates between the advance date (asserted similar to the claimed first date) and the critical date (asserted similar to the claimed deadline). Therefore, Grow does not appear to disclose or suggest (i) a means for generating in the second database a third date that is before the deadline but after the second date and (ii) a means for generating and electronically transmitting to the first individual on the third date, a third reminder to complete the task as presently claimed.

Furthermore, the Examiner fails to provide any evidence that an alleged second notification date of Grow (asserted similar to the claimed second date) and an alleged third notification date of Grow (asserted similar to the claimed third date) are stored in the same (second) database. Instead,

the Examiner appears to merely point out that a second database can exist.²⁶ Therefore, *prima facie* obviousness has not been established for lack of evidence that the reference teaches all of the claim limitations.

Furthermore, clear and particular evidence of motivation of modify Grow has not been established. In particular, the Examiner fails to provide evidence or argument that one of ordinary skill in the art would be motivated to modify Grow as suggested by the Examiner. As such, *prima facie* obviousness has not been established for lack of clear and particular evidence of motivation to modify the reference.

Assuming, *arguendo*, that Grow teaches a second notification date and a third notification date between the advanced date and the critical date (for which Appellant's representative does not necessarily agree), no evidence or convincing line of reasoning is provided by the Examiner why one of ordinary skill in the art would consider sending reminders at an increased rate as a deadline approaches to reduce a potential to miss the deadline as alleged. Instead, it appears that the claims are being improperly used to justify the alleged motivation to modify Grow. All that Grow appears to teach is that sending a reminder at an advanced date and the deadline (critical) date reduces a potential to miss the deadline. Grow appears to be silent regarding changing the rate at which the reminders are sent. Therefore, *prima facie* obviousness has not been established for lack of evidence that the reference teaches all of the claim limitations.

In summary, the proposed modified Grow does not appear to teach or suggest all of the claim limitations. Furthermore, no clear and particular evidence of motivation has been established to

²⁶ Final Office Action, March 8, 2005, page 7, paragraph 14, subsection d.

modify Grow. Therefore, *prima facie* obviousness has not been established and the rejection of claim 1 should be reversed.

2. Claim 5 is fully patentable over Grow

Claim 5 depends from claim 1 and thus contains all of the limitations of claim 1. Consequently, the arguments presented above in support of the patentability of claim 1 are incorporated hereunder in support of claim 5.

Claim 5 further provides that a second reminder is also electronically transmitted to a second individual of a plurality of individuals (associated with a project) who was not send a first reminder. In contrast, Grow does not appear to teach that (i) the administrator of the website is one of a plurality of individuals associated with a project or (ii) that the administrator does not receive the first reminder but does receive the second reminder. Grow appears to contemplate that the administrator is a vendor selling a service to the user. In particular, Grow defines the user as:

As used herein, **a user** is defined as the operator of the user workstation 110. Typically, the user is **an attorney or member of the law firm staff**, however, the website 140 may be made available to members of the public at large (e.g., for pro se proceedings). (Col. 3 lines 25-29) (Emphasis added)

In contrast, the administrator is defined by Grow as:

The **administrator** is defined as the operator of the host computer 150. The administrator **updates and maintains the website** 140 and tables, and in other embodiments can send email to the user workstation 110 or **provide technical support to the user**. (Col. 3 lines 38-42) (Emphasis added)

To one of ordinary skill in the art, the administrator would appear to be a website operator/technical support rather than an attorney or member of a law firm.

In one embodiment, where the user has a payment agreement with the administrator, the host computer 150 records access by the user workstation 110 to the website 140 in the user information field 220 or other Field i in the user table 200. The administrator can use this information to determine the required payment and send the user a bill (e.g., a monthly bill). (Col. 14 lines 1-7)

The payment agreement between the user and administrator conflicts with the idea that both are associated with the same project in the law firm.

TABLE IV

TO: jbulldog@lawfirm.com
FROM: administrator@website.com
(Col. 17, Table IV) (Emphasis added)

Furthermore, the administrator appears to be working for a different company than the user. One of ordinary skill in the art would not appear to understand the administrator and user of Grow to be two individuals associated with the same project as presently claimed. Therefore, Grow does not appear to teach or suggest that a second reminder is also electronically transmitted to a second individual of a plurality of individuals (associated with a project) who was not send a first reminder as presently claimed. As such, claim 5 is fully patentable over the cited reference and the rejection should be reversed.

3. Claims 6 and 11 are fully patentable over Grow

Claim 6 depends from claim 5 and thus contains all of the limitations of claim 5. Consequently, the arguments presented above in support of the patentability of claim 5 are incorporated hereunder in support of claim 6.

Claim 11 depends from claim 8 and thus contains all of the limitations of claim 8.

Consequently, the arguments presented above in support of the patentability of claim 8 are incorporated hereunder in support of claim 11.

Claim 6 further provides (from claim 5) a second reminder electronically transmitted to a second individual who was not sent a first reminder and (from claim 6) a third reminder electronically transmitted to a third individual who was not sent the second reminder. Claim 11 provides similar language. The Examiner admits²⁷ that Grow does not teach that the third individual was not sent the second reminder. Therefore, Grow does not teach or suggest a second reminder electronically transmitted to a second individual who was not sent a first reminder and a third reminder electronically transmitted to a third individual who was not sent the second reminder as presently claimed.

Furthermore, the Examiner fails to provide clear and particular evidence of motivation to modify Grow to send the third message to a third individual but not send the second message. In particular, the Examiner argues that sending more messages to more individuals decreases the potential of a missed deadline.²⁸ By the Examiner's own logic, one of ordinary skill in the art would appear to be motivated to send all three reminders to all three individuals all the time. Not sending the first reminder to the second individual contradicts the idea of decreasing the potential of a missed deadline. Not sending the second reminder to the third individual also contradicts the idea of decreasing the potential of a missed deadline. Therefore, no clear and particular motivation appears to exist to send the third individual the third reminder but not the first reminder or the second

²⁷ Final Office Action, March 8, 2005, page 10, paragraph 19.

²⁸ Final Office Action, March 8, 2005, page 11, lines 1-5.

reminder. As such, *prima facie* obviousness has not been established and the rejections should be reversed.

4. Claim 7 is fully patentable over Grow

Claim 7 depends from claim 5 and thus contains all of the limitations of claim 5. Consequently, the arguments presented above in support of the patentability of claim 5 are incorporated hereunder in support of claim 7.

Claim 7 further provides that the second individual is a supervisor of the first individual. Despite the assertion by the Examiner²⁹, the text in column 18, lines 20-30 of Grow do not appear to mention that the administrator is a supervisor of a user of a website. The cited text reads:

(e.g., the user's ISP is down for repairs).

Optionally, a warning (e.g., a prompt, email message, etc.) can also be transmitted from the host computer 150 to the administrator notifying the administrator of the failed reminder attempt. It is to be expressly understood that any suitable affirmative acknowledgment method can be implemented under the teachings of the present invention. In this manner, the method of the present invention reduces the potential for missed deadlines which can result in a dismissed case with or without prejudice, party admissions, default judgment, sanctions, malpractice, etc. (col. 18 lines 20-30)

Nowhere in the above text, or in any other section, does Grow appear to define the administrator of a website (asserted similar to the claimed second individual) as a supervisor of a user in a law firm (asserted similar to the claimed first individual). Therefore, Grow does not appear to teach or suggest that a second individual is a supervisor of a first individual as presently claimed. As such, claim 7 is fully patentable over the cited reference and the rejection should be reversed.

²⁹ Final Office Action, March 8, 2005, page 11, paragraph 20.

5. Claim 9 and 10 are fully patentable over Grow

Claims 9 and 10 depend from claim 8 and thus contains all of the limitations of claim 8. Consequently, the arguments presented above in support of the patentability of claim 8 are incorporated hereunder in support of claims 9 and 10.

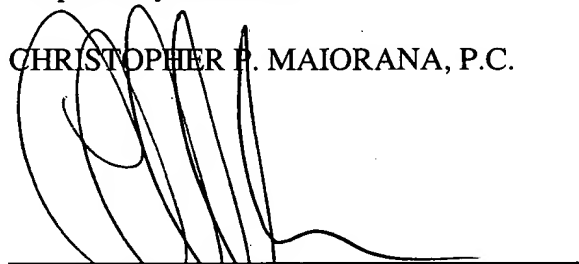
C. CONCLUSION

The cited reference does not appear to disclose or suggest the all of the claimed elements as arranged in the independent claims 8, 12, 13 and 15. The cited reference does not appear to teach or suggest all of the claimed elements in independent claim 1. Hence, the Examiner has clearly erred with respect to the patentability of the claimed invention. It is respectfully requested that the Board overturn the Examiner's rejection of all pending claims, and hold that the claims are not rendered

anticipated or obvious by the cited reference. However, should the Board find the arguments herein in support of independent claims 1, 8, 12, 13 and/or 15 unpersuasive, the Board is respectfully requested to carefully consider the arguments set forth above in support of each of the independently patentable groups.

Respectfully submitted,

CHRISTOPHER P. MAIORANA, P.C.

A handwritten signature in black ink, consisting of several large, overlapping loops and a long horizontal stroke at the end.

Christopher P. Maiorana
Registration No. 42,829

Dated: August 8, 2005

c/o Sandeep Jaggi
Intellectual Property Law Department
LSI Logic Corporation
1621 Barber Lane
MS: D-106 Legal
Milpitas, CA 95035

VIII. CLAIM APPENDIX

The claims of the present application which are involved in this appeal are as follows:

- 1 1. A system for managing projects, comprising:
 - 2 a. means for inputting data concerning a project;
 - 3 b. means for associating a plurality of individuals listed in a first database with
4 said project;
 - 5 c. means for determining a deadline for completing a task associated with said
6 project;
 - 7 d. means for generating in a second database a first date prior to said deadline;
 - 8 e. means for generating and electronically transmitting on said first date a first
9 reminder to complete said task to a first individual of said individuals;
 - 10 f. means for generating in said second database a second date that is before said
11 deadline but after said first date;
 - 12 g. means for generating and electronically transmitting to said first individual
13 on said second date a second reminder to complete said task;
 - 14 h. means for generating in said second database a third date that is before said
15 deadline but after said second date, wherein the number of days between said first date and said
16 second date is greater than the number of days between said second date and said third date; and
17 i. means for generating and electronically transmitting to said first individual
18 on said third date a third reminder to complete said task.

1 2. The system of claim 1, wherein said deadline is a last day to respond to an
2 action by a governmental agency without an extension.

1 3. The system of claim 2, wherein said action comprises an office action issued
2 by a patent examiner.

1 4. The system of claim 1, wherein said deadline is for filing a patent application.

1 5. The system of claim 1, wherein said second reminder is also electronically
2 transmitted to a second individual of said individuals who was not sent said first reminder.

1 6. The system of claim 5, wherein said third reminder is also electronically
2 transmitted to a third individual of said individuals who was not sent said second reminder.

1 7. The system of claim 5, wherein said second individual is a supervisor of said
2 first individual.

1 8. A system for managing projects, comprising:
2 a. means for inputting data concerning a project;
3 b. means for associating a plurality of individuals with said project;
4 c. means for determining a date;
5 d. means for generating and electronically transmitting to a first individual of
6 said individuals, prior to said date, a first reminder to complete a task associated with the project;

7 and

8 e. means for generating and electronically transmitting to said first individual
9 and a second individual of said individuals, to whom the first reminder was not transmitted, a second
10 reminder to complete the task.

1 9. The system of claim 8, wherein said date is the last day to respond to a United
2 States Patent and Trademark Office office action without an extension.

1 10. The system of claim 8, wherein said date is a deadline for filing a patent
2 application.

1 11. The system of claim 8, further comprising means for generating and
2 electronically transmitting to said first individual, said second individual, and a third individual of
3 said individuals, to whom neither the first reminder or second reminder was sent, a third reminder
4 to complete the task.

1 12. A system for managing projects, comprising:

2 a. means for inputting data concerning a project;

3 b. means for associating a plurality of individuals listed in a first database with
4 said project;

5 c. means for inputting a completion of a first task associated with said project
6 in a second database; and

7 d. means for generating and electronically transmitting, responsive to the

8 completion of said first task, an instruction to complete a second task to a first individual of said
9 individuals.

1 13. A system for managing projects, comprising:
2 a. means for inputting data concerning a project;
3 b. means for associating a plurality of individuals with said project;
4 c. means for generating and electronically transmitting a plurality of first
5 reminders to complete a task associated with said project to a first individual of said individuals; and
6 d. means for generating and electronically transmitting a second reminder to a
7 second individual of said individuals that said task requires completion, wherein said second
8 reminder to said second individual is generated and transmitted after a predetermined number of said
9 first reminders have been transmitted to said first individual concerning said task.

1 14. The system of claim 13, wherein said second individual is a supervisor of said
2 first individual.

1 15. A system for managing projects, comprising:
2 a. means for inputting data concerning a project;
3 b. means for associating a plurality of individuals with said project;
4 c. means for determining a date;
5 d. means for automatically generating and electronically transmitting by a first
6 mode to a first individual of said individuals, prior to said date, a first reminder to complete a task
7 associated with the project; and

8 e. means for automatically generating and electronically transmitting by a second
9 mode to said first individual a second reminder to complete the task associated with the project on
10 said date.

1 16. The system of claim 15, wherein said first mode is e-mail and said second
2 mode is voice mail.

1 17. The system of claim 12, wherein said data concerning said project is stored
2 in a third database.

1 18. The system of claim 8, wherein (i) said individuals are listed in a first database
2 and (ii) said means for determining said date uses information stored in a second database.

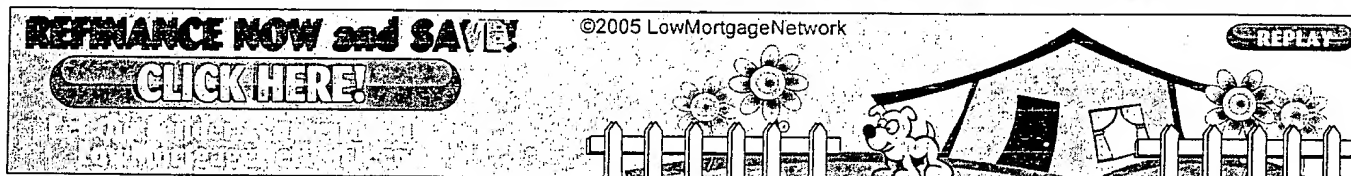
1 19. The system of claim 13, wherein (i) said individuals are listed in a first
2 database and (ii) said data concerning said project is stored in a second database.

1 20. The system of claim 15, herein (i) said individuals are listed in a first database
2 and (ii) said means for determining said date uses information stored in a second database.

IX. EVIDENCE APPENDIX

The following evidence was submitted in the Amendment After Final on May 9, 2005. The Amendment After Final was the first opportunity to submit the evidence after the Examiner raised the issue for the meaning of “predetermined” for the first time in the Final Office Action of March 8, 2005.

Appendix A



HOME
PREMIUM SERVICES
 M-WCollegiate.com
 M-WUnabridged.com
 Britannica.com
 Multi-User Licenses

DOWNLOADS
WORD OF THE DAY
WORD GAMES
WORD FOR THE WISE
ONLINE STORE
HELP

Merriam-Webster Inc.
 Company Information

Merriam-Webster Online Dictionary

One entry found for **predetermine**.

Main Entry: **pre-de-ter-mine**

Pronunciation: -di-'t&r-m&n

Function: *transitive verb*

Etymology: Late Latin *praedeterminare*, from Latin *prae-* + *determinare* to determine

1 a : FOREORDAIN, PREDESTINE b : to determine beforehand

2 : to impose a direction or tendency on beforehand

For More Information on "predetermine" go to Britannica.com

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X. RELATED PROCEEDINGS APPENDIX

None